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Senator Gomes, Representative Tercyak and distinguished members of the Labor and Public Employees Committee, thank you so much for hearing HB 5449 An Act Concerning Liability For Unfair Insurance Practices in Worker's Compensation Claims.

I represent the 49<sup>th</sup> House District of Windham. This issue was brought to my attention by several of my constituents. One of which is a Board Certified Worker's Compensation Specialist, Attorney Howard B. Schiller. Based on my conversations and reading of the materials provided by Attorney Schiller I convened a group of interested professionals in the area of Worker's Compensation. It became apparent to me that there was an issue here for the legislature to address. There is a Connecticut State Supreme Court case called deOliveria v. Liberty Mutual, 273 Conn. 487 (2005), which actually calls for legislation to make clear legislative intent when an injury is caused by a workers compensation insurance company acting as an agent of an employer that is providing insurance coverage to an injured worker.

In the instant case the Workers Compensation Commission held that deOliveria suffered an injury at work and should be compensated for those injuries. The insurance company Liberty Mutual delayed the processing of the deOliveria claim and caused him post-traumatic stress disorder (PTSD) according to the Worker Compensation Commissioner. Hence because the PTSD was caused outside the work environment the Commission held that it was not an employment related injury and not compensable under the Worker Compensation laws.

The claimant sued based on different legal theories and was ultimately denied compensation because of a conflict in the Workers Compensation statutory language that bars law suits arising out of claims that originated in a work place setting. This case has given the insurance companies an unfair advantage in the processing of workers compensation claims. There are no time frames for

processing of the claims and no remedy to when egregious behavior of the insurance companies occurs. Hence an adjustment in the statute would be beneficial not only to the injured workers but also to government benefit programs including Medicare and Medicaid. For which the injured worker must seek coverage if the medical treatment is unfairly delayed.

It would be appreciated if the committee would amend the proposed legislation to eliminate the last sentence which would limit the workers right to bring claims against the insurance companies that unfairly limit access to medical treatment and thereby cause additional harm to the injured worker when that harm is outside the injury the claimant suffered at work.

Thank you for your attention to HB 5449. I urge the Committee's continued support.